

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PATRICK LONGLEY,
Plaintiff

: CIVIL ACTION NO.
: 04-12548 (MLW)

V.

:

BUCHANAN MARINE LP,
Defendant

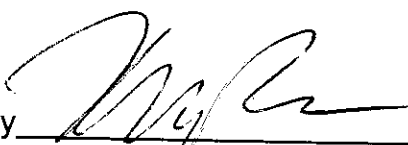
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: JANUARY 7, 2005

MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b), defendant, Buchanan Marine, LP, hereby moves to dismiss this action for insufficient service of process, lack of personal jurisdiction and *forum non conveniens*. The motion should be granted because: (1) service of process was not made in accordance with Federal Rule of Civil Procedure 4(h)(1) or Massachusetts law; (2) the District Court lacks personal jurisdiction over Buchanan Marine, LP because it is a Delaware limited partnership which did not transact business in the Commonwealth of Massachusetts and the alleged incident occurred on a New York vessel in the navigable waters of New York; and (3) Massachusetts is an improper venue for the trial of this matter. A Memorandum of Law with a supporting Affidavit is attached hereto.

WHEREFORE, defendant respectfully requests that the above-referenced matter be dismissed.

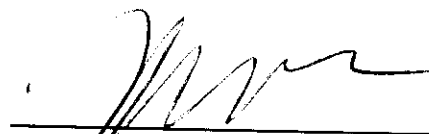
RESPECTFULLY SUBMITTED FOR THE
DEFENDANT, BUCHANAN MARINE LP,
BY ITS ATTORNEY

By 
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CERTIFICATION

This is to certify that on this 7th day of January, 2005, I hereby mailed a copy of the foregoing to:

Carolyn M. Latti, Esquire
David F. Anderson, Esquire
Latti & Anderson LLP
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Boston, MA 02109


Kevin M. Roche

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- 2 -

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